

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

DAN DECHIRICO, ANGEL GUZMAN, AND
JOSHUA PALMER,

Plaintiffs,

v.

ALLY FINANCIAL INC., ALPACA
SECURITIES LLC, CASH APP INVESTING
LLC, SQUARE INC., MORGAN STANLEY
SMITH BARNEY LLC, E*TRADE
SECURITIES LLC, E*TRADE FINANCIAL
CORPORATION, E*TRADE FINANCIAL
HOLDINGS, LLC, FREETRADE, LTD.,
INTERACTIVE BROKERS LLC, M1 FINANCE,
LLC, OPEN TO THE PUBLIC INVESTING,
INC., ROBINHOOD FINANCIAL, LLC,
ROBINHOOD MARKETS, INC., ROBINHOOD
SECURITIES, LLC, IG GROUP HOLDINGS
PLC, TASTYWORKS, INC., TD
AMERITRADE, INC., THE CHARLES
SCHWAB CORPORATION, CHARLES
SCHWAB & CO. INC., FF TRADE REPUBLIC
GROWTH, LLC, TRADING 212 LTD.,
TRADING 212 UK LTD., WEBULL
FINANCIAL LLC, FUMI HOLDINGS, INC.,
STASH FINANCIAL, INC., BARCLAYS BANK
PLC, CITADEL ENTERPRISE AMERICAS,
LLC, CITADEL SECURITIES LLC, MELVIN
CAPITAL MANAGEMENT LP, SEQUOIA
CAPITAL OPERATIONS LLC, APEX
CLEARING CORPORATION, THE
DEPOSITORY TRUST & CLEARING
CORPORATION,

Defendants.

1:21-cv-00677-LDH-RLM

JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
EXTENSION OF TIME TO
RESPOND TO PLAINTIFFS'
COMPLAINT

Plaintiffs Dan Dechirico, Angel Guzman, and Joshua Palmer (“Plaintiffs”) and undersigned Defendants (collectively, “Defendants”, and together with Plaintiff, the “Parties”), hereby stipulate and agree as follows:

WHEREAS, Plaintiffs filed a Complaint on February 8, 2021 (Dkt. No. 1);

WHEREAS, Defendants’ deadlines to move or otherwise respond to the Complaint fall between April 9 and May 3, 2021;

WHEREAS, on February 5, 2021, the plaintiffs in *Cheng et al v. Ally Financial Inc. et al*, 21-cv-00781 (N.D. Cal.), filed a Motion for Transfer of Actions to the Northern District of California Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings (“Motion”) with the Judicial Panel on Multidistrict Litigation (“JPML”);

WHEREAS, the Motion petitioned the JPML to transfer the *Cheng* action and 40 other cases and to establish a multidistrict litigation in the Northern District of California (JPML Dkt. No. 1);

WHEREAS, on February 9, 2021, the JPML accepted the Motion for filing as *In re January 2021 Short Squeeze Trading Litigation* (MDL No. 2989) and ordered an accelerated briefing schedule (JPML Dkt. No. 4);

WHEREAS, on February 23, 2021, Charles Schwab & Co., Inc., TD Ameritrade, Inc., TD Ameritrade Clearing, Inc., TD Ameritrade Holding Corporation, and The Charles Schwab Corporation filed a Notice of Potential Tag-Along Actions, identifying a number of additional cases, including the instant action, as tag-along cases for the JPML to consider transferring to the proposed multidistrict litigation (JPML Dkt. No. 66);

WHEREAS, on March 1, 2021, Plaintiffs filed a response to the Motion, agreeing that the cases should be centralized into one multidistrict litigation and asserting that the most convenient forum for centralization is the Eastern District of New York (JPML Dkt. No. 159);

WHEREAS, the hearing on the Motion before the JPML is scheduled for March 25, 2021;

WHEREAS, the Parties have met and conferred and have agreed to extend Defendants' deadline to move or otherwise respond to the Complaint to April 30, 2021 or, if the transfer motion is granted, until the date by which the transferee judge orders Defendants to move or otherwise respond to the Complaint, whichever is later;

WHEREAS, this is the first extension that has been requested and the Parties have not obtained any previous extensions;

WHEREAS, this extension of time would not impact any other scheduled dates;

WHEREAS, Defendants do not waive, and expressly reserve, all available defenses and challenges to jurisdiction;

WHEREAS, Defendants preserve all rights to move or otherwise respond to the Complaint;

WHEREAS, the undersigned Defendants have received notice of the instant action and have waived the service of summons and thus any objections to the absence of a summons or of service of the Complaint.

NOW THEREFORE, the Parties stipulate that:

1. Defendants' deadline to move or otherwise respond to the operative Complaint shall be extended to April 30, 2021 or, if the transfer motion is granted, until the date by which the transferee judge orders Defendants to move or otherwise respond to the Complaint, whichever is later.
2. The Parties may stipulate to a further extension of time to move or otherwise respond to the Complaint in this action.
3. Nothing herein shall prevent Defendants from moving for additional time to move or otherwise respond to the operative Complaint.

DATED: March 11, 2021

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IT IS SO ORDERED.

Dated: _____, 2021

HON. LASHANN DEARCY HALL
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